



Fw: : Fearing Cleanup Impacts, Activists Split Over EPA Uranium Rule Revision

Brad Jackson to: Franklin Hill, Randall Chaffins, Carol Monell,
Derek Matory, Elisa Roberts

11/08/2010 02:23 PM

Cc: Jon Richards

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Another *InSide EPA* article. The FL Phosphate project is mentioned briefly on pg 2.

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Date: 11/08/2010 02:02 PM
Subject: : Fearing Cleanup Impacts, Activists Split Over EPA Uranium Rule Revision

didn't know if you were bcc'd as well on this

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Subject: Fw: Fearing Cleanup Impacts, Activists Split Over EPA Uranium Rule Revision

Article from InsideEPA about the debate between ORIA and \$F UMTRCA with a reference to the risk-based Ra 226 action levels the Region has used at Navajo AUM sites, including the Northeast Church Rock Mine.



EPA Uranium Rule article.docx

----- Forwarded by Andrew Bain/R9/USEPA/US on 11/08/2010 10:28 AM -----

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Subject: Fearing Cleanup Impacts, Activists Split Over EPA Uranium Rule Revision

Please read:

<http://insideepa.com/201011042343953/EPA-Daily-News/Daily-News/fearing-cleanup-impacts-activists-split-over-epa-uranium-rule-revision/menu-id-95.html>

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Fearing Cleanup Impacts, Activists Split Over EPA Uranium Rule Revision

Posted: November 4, 2010

Environmentalists are split over whether EPA should revise its regulations under the Uranium Mill Tailings Radiation Control Act (UMTRCA), with some activists viewing a review of the rules as an opportunity to tighten water pollution standards but others fearing revisions could inadvertently weaken EPA's Superfund cleanup standards at residential sites with radioactive contamination.

EPA's Office of Radiation & Indoor Air (ORIA) is in the early stages of reviewing the UMTRCA rules -- also known as 40 CFR Part 192 -- under which the agency establishes several standards meant to protect public health and the environment from hazards associated with uranium and thorium processing waste. EPA also considers the rule's cleanup standards for soil contaminated by radium to be applicable or relevant and appropriate requirements (ARARs) at residential Superfund sites with radioactive contamination.

Some environmentalists are welcoming ORIA's planned revision of the UMTRCA rules. For example, last December several groups -- including the Natural Resources Defense Council (NRDC) and Environment America -- praised the planned review of the rules, saying in a letter to EPA Administrator Lisa Jackson that the current regulations are outdated. "This is a wise decision, and we commend the agency for moving forward on a long overdue action," the activists say in the Dec. 17, 2009 letter, which covers a variety of uranium mining concerns.

The environmentalists explain in their letter that among "the many specific interests" that can be addressed in the rule is "the industry's increased use of *in situ* leach (ISL) uranium mining, a procedure by which chemicals are injected into an aquifer for the purpose of extracting uranium from the underground."

And earlier this year, one public interest attorney told *Inside EPA* that activists hoped the UMTRCA review could lead to tighter remediation standards that could help protect groundwater from ISL mining, particularly since EPA is not initiating a new rulemaking under the Safe Drinking Water Act's underground injection control program as activists had wanted.

But other environmentalists fear the UMTRCA rule review could lead to a weakening of EPA standards, particularly those used for soil remediation at residential Superfund sites. One activist says this fear is based largely on the fact that past ORIA reviews of various radiation standards have led to proposals to weaken standards.

For example, ORIA has in recent years proposed on multiple occasions a controversial revision to a document called *Federal Radiation Protection Guidance for Exposure of the General Public*, including in the revision an option suggesting an overall radiation exposure limit of 100 millirems (mrem) per year, which environmentalists have strongly criticized. The critics noted that while the Superfund National Contingency Plan sets a one-in-10,000 cancer risk standard, some projections estimate the 100 mrem level presents a cancer risk of greater than one in 1,000.

In January 2009, the Bush administration signed off on an ORIA draft guide for responding to nuclear emergencies that included guidelines activists feared would lead to an erosion of the agency's long held Superfund and drinking water standards. The drinking water guidelines in the document -- which the Obama administration has since put on hold -- were thousands of times less stringent than EPA's traditional regulations in part because ORIA calculated them using the so-called effective dose equivalent (EDE) method, which generally yields less-stringent exposure limits than the method the agency used to derive its enforceable maximum contaminant levels (MCLs), activists maintained. EPA attempted to relax the MCLs using the EDE method in the 1990s but dropped that effort when a federal court deemed it illegal.

Repeated Warnings

Staff in EPA's Superfund, drinking water and legal offices repeatedly warned in internal discussions on the emergency guide -- known as the protective action guide (PAG) for nuclear incidents -- that the guidelines could set a bad precedent eroding the agency's traditional standards, but according to internal e-mails, ORIA officials consistently tried to downplay those concerns, the activist notes. Some environmentalists are concerned that if ORIA revises the UMTRCA standards, it will use EDE or a similar dose conversion method to weaken the standards, the activist says.

"It always concerns me when the executioner is the one doing the review on capital punishment," the activist says of ORIA's involvement with the UMTRCA review.

Among the key standards subject to the UMTRCA rule review is EPA's cleanup standard for radium-226 in soil. EPA promulgated the standard -- where concentrations of radium-226 cannot exceed 5 picocuries per gram (pCi/g) -- under UMTRCA, but the agency considers the standard an ARAR for Superfund and has used it as the basis for cleanups at residential sites with radioactive contamination around the country. The standard, however, falls just outside EPA's Superfund risk range, under which sites are supposed to be cleaned up to a level at which no more than 1 in 10,000 people would be expected to develop cancer, and in order to bring it into compliance with the risk range it would have to be set closer to 1 pCi/g, the activist says.

EPA has employed the more stringent Superfund risk range for radium cleanups at abandoned uranium mines on Navajo tribal lands in Western states, but at other sites, EPA is struggling to enforce even the less stringent 5 pCi/g standard under UMTRCA. For example, in central Florida, state and industry officials have rejected EPA suggestions that a cleanup based on the standard should be initiated to address the agency's concerns that tens and thousands of people living on former phosphate mines are being exposed to dangerous levels of radium. State and industry officials have argued cleanup is not necessary if people are not being exposed to more than 500 mrem of radiation per year.

Some stakeholders have suggested that ORIA could make the soil standard for radium under UMTRCA more stringent than 5 pCi/g but still less stringent than the Superfund risk range. For example, in a Sept. 23 comment posted on the blog forum ORIA has created for the UMTRCA review, Phil Egidi, of the Colorado Department of Public Health & Environment, suggests that 3 pCi/g "may be a starting point for discussion."

But some environmentalists are concerned that if ORIA tightens the radium standard using a method other than the Superfund risk range, cleanup standards for other radioactive materials could be

weakened in the process, the activist says, in which case the activists believe the standard may be better left alone.

EPA's review of the UMTRCA standards comes as a National Research Council panel is beginning a study on proposed new uranium mining in Virginia, which has been prohibited in the state since 1982. The panel is conducting the study at the state's request and "will examine the scientific, technical, environmental, human health and safety, and regulatory aspects of uranium mining, milling and processing as they relate to the" state, according to the agenda for the panel's Oct. 26 meeting in Washington, DC.

Environmentalists concerned about the possibility of new uranium mining in Virginia are among those pushing EPA to tighten its groundwater standards for uranium. For example, in a July 23 post on the ORIA blog forum for the UMTRCA revision, Olga Kolotushkina, of Roanoke River Basin Association, says the agency "should consider recent studies on health impacts of uranium" and "take into consideration that the currently effective MCL of 0.30-.44mg/litre significantly exceeds the World Health Organization's recommended maxim of 0.015 mg/litre." -- *Douglas P. Guarino*